UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/SR.1175
5 August 1992

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Forty-fifth session

SUMMARY RECORD OF THE 1175th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 30 July 1992, at 3 p.m.

Chairman: Mr. POCAR

later: Mr. EL SHAFEI

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GE.92-16821/4747B

The meeting was called to order at 3.30 p.m.

ANNUAL REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY THROUGH THE ECONOMIC AND SOCIAL COUNCIL UNDER ARTICLE 45 OF THE COVENANT AND ARTICLE 6 OF THE OPTIONAL PROTOCOL (agenda item 7) (CCPR/C/45/CRP.1/Add.9-13, 16, 18, 24 and 25) (continued)

Document CCPR/C/45/CRP.1/Add.9 (continued)

1. The CHAIRMAN asked the Rapporteur to introduce the new draft of paragraph 1.

2. Mr. ANDO (Rapporteur) explained that the paragraph had had to be expanded in accordance with the procedure adopted at the Committee's preceding session. It should read:

> "1. The Human Rights Committee began the consideration of the second periodic report of Peru (CCPR/C/51/Add.4) at its 1133rd to 1136th meetings (forty-fourth session), held on 31 March and 1-2 April 1992 (CCPR/C/SR.1133-1136). The Committee decided, at the request of the Government of Peru, not to conclude the consideration of that report until its forty-fifth session, and to take into account the additional information offered by the State party that was to be supplied in response to the unanswered queries and concerns of Committee members. Subsequently, after it had become aware of the events that had occurred in Peru on 5 April 1992, the Committee decided, at its 1148th meeting, held on 10 April 1992, to request that a supplementary report dealing with those events, particularly in respect of the application of articles 4, 6, 7, 9, 19 and 25 of the Covenant, should also be submitted to it for consideration (together with the additional information) at its forty-fifth session. After noting the additional information provided by the Government of Peru (CCPR/C/51/Add.5) and after considering the supplementary report on the effects of the events occurring after 5 April 1992 (CCPR/C/51/Add.6) at its 1158th to 1160th meetings, held on 20 and 21 July 1992, (CCPR/C/SR.1158-1160), the Committee concluded its consideration of the second periodic report of Peru."

3. Document CCPR/C/45/CRP.1/Add.9, as amended, was adopted.

Document CCPR/C/45/CRP.1/Add.10

Paragraphs 1-6

4. Paragraphs 1-6 were adopted.

Paragraphs 7-13

5. Mr HERNDL pointed out that the heading "Concluding observations" should be supplemented by the addition of the words "by individual members of the Committee".

6. Mr. ANDO (Rapporteur), answering a question by Mrs. HIGGINS, confirmed that the numbers of the communications - 202 (1986) and 203 (1986) - cited in paragraph 10 were correct.

7. Mr. WENNERGREN pointed out that the last sentence of paragraph 8 should begin with the words "Members of the Committee", not "The Committee".

8. Miss CHANET questioned whether the wording "combating terrorism with terrorism" in the same sentence was appropriate. Would not "combating terrorism with violence" be preferable?

9. Mr. ANDO (Rapporteur) said that the phrase had been taken from the relevant summary record, but he was willing to accept Miss Chanet's suggestion.

10. Mrs. HIGGINS said she was opposed to any unnecessary rewriting of the draft. In any case, States had a right to use force in certain circumstances.

11. Miss CHANET said that, as she recalled, one member had used the term "State terrorism", while others had spoken of "excessive violence". She thought "terrorism" was too strong a term.

12. Mr. PRADO VALLEJO said that he had used the term "State terrorism" and thought that Mr. Aguilar Urbina had also used it. However, it might be preferable to refer to "violence by the security forces".

13. Mr. DIMITRIJEVIC said that "State terrorism" might not be a felicitous term, as it was often used by apologists of terrorism. He suggested that the phrase should be amended to read: "combating terrorism with arbitrary and excessive force".

14. Mr. SADI said that the term "disappointed" in the third sentence of paragraph 7 was not usually employed by the Committee. It was also important to be fair to Peru, which had at least responded to the Committee's inquiries, whereas many countries whose human rights records were no better had failed to do so.

15. He did not agree with the statement in the last sentence of the paragraph that members had found it "most difficult" to form a comprehensive view of the human rights situation in Peru; he thought that they had in fact formed a view - that the situation left much to be desired - and they had indeed made a number of specific suggestions for improvement.

16. Mr. PRADO VALLEJO agreed that the last sentence of paragraph 7 did not reflect the Committee's discussion. Members had had no difficulty in forming a precise view of the human rights situation in Peru, which was decidedly negative. The sentence should be redrafted to bring out that point.

17. Mr. EL SHAFEI wondered whether the second sentence of the paragraph, which mentioned the regret of members that their concerns had not been adequately addressed in the supplementary report, might make the third sentence, referring to their disappointment, unnecessary.

18. Mr. HERNDL thought that the third sentence should be retained, because it referred to the failure by the Peruvian Government to provide the responses it had promised to the queries raised by members of the Committee. It was important to ensure that what was said on that point concorded with what the Committee said in its general comments on the Peruvian report.

19. The easiest way to deal with the last sentence of the paragraph would be to delete it.

20. The CHAIRMAN proposed that the first two sentences of the paragraph should be amended to read: "Members of the Committee expressed appreciation for the State party's cooperation in submitting additional information and in complying with their requests for a supplementary report occasioned by the events that took place in Peru on 5 April 1992. While the representatives of the State party had made a commendable effort to respond to their queries, members regretted that their concerns had not been adequately addressed in the additional information that the Government had submitted, which left most of their questions unanswered." Reference should also be made in the third sentence to the request for a supplementary report. The essential point was that two distinct matters - the offer made by the delegation and the specific request by the Committee - were involved, and they should be kept separate. He agreed that the last sentence of the paragraph could be deleted as being unnecessary.

21. Mr. PRADO VALLEJO said he did not think that any of the sentences in the paragraph should be deleted, since they all referred to matters forming part of the Committee's discussions. Perhaps, as Mr. Sadi had suggested, "disappointed" was not the most appropriate word to use in the third sentence; "surprised" or "concerned" might be preferable.

22. Mr. WENNERGREN said that in the phrase "members regretted that their concerns" in the second sentence of the paragraph, "their" should be replaced by "the Committee's".

23. Mr. ANDO (Rapporteur) suggested that "were not satisfied" might replace "were also disappointed" in the third sentence of the paragraph. In the last sentence of the paragraph, the word "most" might be omitted before "difficult".

24. Mr. DIMITRIJEVIC thought it unwise to tinker with the draft of the last sentence, apart from the omission of the word "most".

25. The CHAIRMAN asked whether the Committee was prepared to adopt paragraph 7 with the amendments he had suggested, the change of "their" to "the Committee's" in the second sentence and the omission of the word "most" in the last sentence.

26. It was so decided.

27. Mr. SADI said he thought that the statement at the beginning of paragraph 10 that members of the Committee did not find the reasons provided for the house arrest of politicians convincing amounted to evaluation of evidence by the Committee.

28. The CHAIRMAN said he took the meaning of the words to be that members of the Committee had not found the reasons given by the delegation persuasive, and no more than that.

29. Paragraphs 7-13, as amended, were adopted.

30. Document CCPR/C/45/CRP.1/Add.9 as a whole, as amended, was adopted.

Document CCPR/C/45/CRP.1/Add.11

Paragraphs 1-34

31. Paragraphs 1-34 were adopted.

Paragraphs 35-38

32. Miss CHANET said that the French version of the words "to impose stricter controls over the remnants of the military penal justice system" in the second sentence of paragraph 37 seemed to require redrafting.

33. Mr. DIMITRIJEVIC, supported by Miss CHANET, proposed that the phrase "phenomenon of impunity" in the second sentence of paragraph 36 should be simply replaced by "impunity".

34. Mr. PRADO VALLEJO proposed that the words "issues relating to the influence of the military on the life of the country and" should be deleted from the same paragraph as failing to reflect what had actually been discussed. He added that one complaint of the military in Colombia was that their views were not sufficiently taken into account.

35. Mr. LALLAH suggested that, for the sake of greater accuracy, the second sentence of paragraph 37 might end with the word "criminals" and the following wording should be amended to read: "He also explained that, thus far, ...". In that connection, he suggested that it might be inapposite to refer at all to government control over the justice system, since that was a debatable matter.

36. Paragraphs 35-38, as amended, were adopted.

37. Document CCPR/C/45/CRP.1/Add.11 as a whole, as amended, was adopted.

Document CCPR/C/45/CRP.1/Add.12

Paragraphs 1-25

38. Paragraphs 1-25 were adopted.

Paragraphs 26-29

39. Mr. ANDO (Rapporteur) said, in connection with paragraph 27, that concern had been voiced during the concluding observations about constitutional restrictions on outdoor meetings in Belgium. As would be seen from paragraph 21, information had been requested in that connection, but it did not appear from the summary record that such information had been forthcoming.

40. Mr. MULLERSON said that, for readers of the report who had not been present at the meeting, the statement in paragraph 27 that "members voiced some continuing concerns in such areas as the applicability of the Covenant and its relationship with the European Convention on Human Rights" might be somewhat elliptic. In his opinion, what had been questioned was the fact that

the Covenant and the Convention had not everywhere or uniformly been made directly applicable. Perhaps clearer wording could be found to reflect that concern; otherwise the sentence might be deleted.

41. Miss CHANET supported the latter view.

42. Mr. WENNERGREN said that he had asked whether the provision of the Belgian Constitution restricting outdoor meetings was compatible with article 21 of the Covenant; as he recalled, he had even quoted that article. It was his further recollection that the Belgian representatives had reacted with facial expressions of some surprise, as though the correlation had never occurred to them. Although the summary record did not reflect his question and could obviously not relate an answer which had not been provided, he wished to see an amendment to the final sentence of paragraph 27 of the report, indicating that the State party had been urged to bring domestic law into line with article 21, as well as articles 14 and 26, of the Covenant.

43. Paragraphs 26-29, as amended and subject to final drafting changes, were adopted.

44. Document CCPR/C/45/CRP.1/Add.12 as a whole, as amended, was adopted.

Document CCPR/C/45/CRP.1/Add.13

Paragraphs 1-25

45. Paragraphs 1-25 were adopted.

Paragraphs 26-30

46. Mr. ANDO (Rapporteur) suggested that the first sentence of paragraph 27 should be expanded by the inclusion, at the end, of "... and hoped that the Covenant would continue to be applied by the secessionist republics". That addition was intended to take account of the discussion on the Federal Government's view concerning the de jure and de facto scope of the application of the Covenant in rapidly evolving circumstances and the status of the Covenant in republics that had chosen to leave the Federation.

47. Mr. WENNERGREN submitted that the amendment proposed by the Rapporteur did not perhaps fully reflect the Committee's concern. It was not so much a matter of voicing hopes as of bringing the attention of the States in question to the fact that they should continue to consider the Covenant as remaining in force in their respective territories, and accept the consequent obligations.

48. Mr. ANDO (Rapporteur) said that, according to the summary record, it was Mr. Wennergren himself who had voiced hopes in that connection. Without departing from the record, however, it should be possible to convey more clearly in the report the sentiments just expressed.

49. Mr. EL SHAFEI said it was his understanding that the real concern of members of the Committee had been that the State party itself was being

prevented from supervising the application of the Covenant throughout its territory, and that it was difficult for the Committee to ascertain whether or not it was being applied.

50. Mr. PRADO VALLEJO suggested that the first phrase of paragraph 27 might read "Members regretted that ...".

51. Mr. ANDO (Rapporteur) said that it might be possible to re-order the first sentence of paragraph 27 in response to Mr. El Shafei's remark; it was, however, definitely the Committee's duty to see to it that the Covenant was applied.

52. Miss CHANET, speaking as rapporteur responsible for drafting the comments of the Committee on the report of Yugoslavia, drew attention to paragraphs 23-26 of document CCPR/C/45/CRP.1/Add.18, where the situation, and the Committee's views thereon, were set out in greater detail.

53. Mr. PRADO VALLEJO and Miss CHANET proposed the insertion of the adjective "alarming" before "situation" in the fourth sentence of paragraph 28.

54. Paragraphs 26-30, as amended, were adopted.

55. Document CCPR/C/45/CRP.1/Add.13 as a whole, as amended, was adopted.

Documents CCPR/C/45/CRP.1/Add.14 and Add.15

56. The CHAIRMAN said that consideration of the documents would be postponed pending their distribution in all the language versions.

Document CCPR/C/45/CRP.1/Add.16

Paragraphs 1-23

57. Paragraphs 1-23 were adopted.

Paragraphs 24-33

58. Mr. WENNERGREN said that he could find no trace in the concluding observations of his suggestion that consideration should be given in Mongolia to the possibility of strengthening judicial control over administrative procedures and providing for the judicial review of administrative decisions; he had also suggested that special legislation regarding habeas corpus should be introduced.

59. Mr. SADI submitted that it would be more accurate if the final sentence of paragraph 33 was amended to indicate that the Chairman had "hoped" rather than "stated" that the concerns of the Committee would be conveyed to the Mongolian Government.

60. Miss CHANET noted with concern that a number of important considerations and recommendations by individual members appeared to have been left out of the report, notably what had been said with regard to the death penalty and to the freedom of movement.

61. Mr. SADI, taking up the previous speaker's final remark, observed that the Committee had always viewed the obligation to obtain exit visas as contrary to the terms of the Covenant: that point was not adequately brought out in the first sentence of paragraph 30.

62. Mr. ANDO (Rapporteur) said that the substance of the remarks concerning omissions from paragraphs 24-33 would be incorporated in the final text.

63. On that understanding, paragraphs 24-33 were adopted.

64. Document CCPR/C/45/CRP.1/Add.16 as a whole, as amended, was adopted.

Document CCPR/C/45/CRP.1/Add.18

65. The CHAIRMAN said that the addendum contained the Committee's comments on certain State party reports. It had been decided that the various sets of comments would be appended to the part of the Committee's report dealing with the State party concerned.

66. Mr. NDIAYE said that, in the French version of the draft report, the word "observations" was used three times, to refer to individual comments by members, comments by the Committee as a whole and general comments on articles of the Covenant.

67. Mr. ANDO (Rapporteur) said that the English version of the documents referred to "general observations" or "concluding observations" by members and "comments" by the Committee as a whole.

68. The CHAIRMAN suggested that the Rapporteur should find a wording consistent with article 40 of the Covenant, for consideration and adoption at the next meeting.

69. It was so decided.

Documents CCPR/C/45/CRP.1/Add.19-23

70. The CHAIRMAN said that addenda 19-23 of the report were not yet available in all working languages.

Document CCPR/C/45/CRP.1/Add.24

71. Mr. EL SHAFEI pointed out with reference to paragraph 2 that the Committee had not actually discussed the draft general comment on article 25 of the Covenant.

72. Mr. ANDO (Rapporteur) suggested that the sentence should be amended to read: "... the Committee began discussion of a draft general comment on article 18 of the Covenant".

73. He further suggested that a new sentence should be added at the end of section IV, to read: "At its 1167th meeting, held on 24 July 1992, the

Committee decided to start preparatory work on a general comment which would address issues relating to reservations made upon ratification of or accession to the Covenant or the Optional Protocol thereto".

74. Mr. LALLAH endorsed the proposed new sentence. In respect of paragraph 2, he suggested the wording: "... the Committee had before it draft general comments on articles 18 and 25 of the Covenant and began discussion of the draft general comment on article 18". After all, a draft general comment on article 25 had been prepared by Mr. Müllerson.

75. Mr. AGUILAR URBINA said that the Committee had done so little work on the draft general comment on article 25 that it could hardly be said to have considered it at all.

76. Mr. ANDO (Rapporteur) said that the Working Group had decided to concentrate its efforts on the draft general comment on article 18 of the Covenant. It had merely made general observations on Mr. Müllerson's provisional draft, and had then returned it for redrafting. Perhaps the Committee's report should make it clear that the two draft general comments had not received equal attention during the session.

77. Mrs. HIGGINS suggested that a new paragraph should be inserted after the existing paragraph 1, to read: "At the forty-fifth session, the Working Group examined a draft general comment on article 18 of the Covenant". The existing paragraph 2 would then become paragraph 3.

78. The CHAIRMAN suggested a wording along the following lines: "The Committee took note of what the Working Group had done". The Committee had spent almost two meetings on its discussion of the draft general comment on article 18, and he suggested that the report should specify the meetings at which the discussions had taken place.

79. Document CCPR/C/45/CRP.1/Add.24, as amended, was adopted.

Document CCPR/C/45/CRP.1/Add.25

80. The CHAIRMAN said that, since the document was available only in English, its consideration would be postponed until the next meeting.

81. Mr. El Shafei took the Chair.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Comments on the second periodic report of Peru (continued)

Paragraphs 1 and 2

82. The CHAIRMAN invited the Committee to consider the draft comments on the second periodic report of Peru, as prepared by Mr. Aguilar Urbina and contained in an unnumbered working paper.

83. Mr. HERNDL, supported by Mrs. HIGGINS, suggested that the first sentence of paragraph 2 should be reworded to read: "... the events that had occurred in Peru on 5 April 1992 that had affected human rights ...". The second sentence of the paragraph should be amended to read: "... the effects of the 5 April incidents on the implementation of articles 4, 6, 7, 9, 19 and 25 of the Covenant ...".

84. Paragraphs 1 and 2, as amended, were adopted.

Paragraph 3

85. Mr. PRADO VALLEJO, supported by Mr. AGUILAR URBINA, suggested that the word "formally" should be deleted from the first sentence, which would then read: "... and especially for providing the additional information on the report ...". The Spanish version of the last sentence of the paragraph required clarification.

86. Mr. Pocar resumed the Chair.

87. Mr. ANDO (Rapporteur) suggested that the words "the dialogue during" should be deleted from the first sentence, to read "... the Government of Peru's cooperation in continuing the consideration of the State party's second periodic report ...". The word "formally" should be deleted as suggested by Mr. Prado Vallejo. The end of that sentence, which now read: "for providing the additional information on the report as offered by the delegation and complying with the Committee's requests for a supplementary report relating to the situation in Peru after 5 April 1992" should be amended to read: "... for providing the additional information complying with the Committee's requests". Finally, the word "most" should be deleted from the final sentence, to read: "As a result, the Committee has found it difficult to form a comprehensive view ...".

88. Mr. AGUILAR URBINA said that he would like to retain the phrases "the dialogue during" and "on the report as offered by the delegation and" in the first sentence.

89. The CHAIRMAN suggested that those two phrases should be restored to the draft.

90. It was so decided.

91. Paragraph 3, as amended, was adopted.

Paragraph 4

92. Mr. HERNDL suggested that the word "recomposition" in the third sentence should be changed to "reactivation". Moreover, the final sentence should be amended to read: "... the recent strong statements addressed to the army and police by the President ...".

93. Mr. WENNERGREN suggested that paragraph 4 should mention another positive aspect of the situation in Peru, namely the widespread freedom of the press, which Mr. Prado Vallejo had confirmed from his own experience.

94. In the second sentence, he felt that the word "terrorism" should not be applied to the activities of State officers, and suggested instead the wording: "... including State officers who engage in violence or cause disappearances".

95. After an exchange of views in which Miss CHANET, Mr. PRADO VALLEJO, Mr. EL SHAFEI, Mr. AGUILAR URBINA and Mrs. HIGGINS took part, the CHAIRMAN said that the problem could be solved, in the English version at least, by inserting a comma after the word "officers", to read: "... the legislative expression of culpability for all persons, including State officers, who engage in terrorism or cause disappearances".

96. That suggestion was adopted.

97. Mr. PRADO VALLEJO suggested that the paragraph should mention the new registers of detainees, designed to improve the distribution of information to prosecutors and human rights bodies (see CCPR/C/SR.1159, para. 15). The third sentence would accordingly read: "The Committee also regards as important features the organization of new registers of detainees and the envisaged reactivation of the National Council for Human Rights ...".

98. That suggestion was adopted.

99. Mr. AGUILAR URBINA said that he could not agree to a reference to the "reactivation" of the National Council for Human Rights, as suggested by Mr. Herndl. The Peruvian representative had said that the Council was still functioning, but it was to admit some new members, so the word "recomposition" was more accurate.

100. Mrs. HIGGINS suggested the phrase "altered composition".

101. Mr. WENNERGREN suggested the following wording for his earlier amendment: "Among the positive aspects in Peru, the Committee also notes that the freedom of the press functions without any particular obstacles".

102. Mr. AGUILAR URBINA pointed out that the Committee's comments on the situation in Peru covered the entire period from the submission of the original periodic report to the present day. In the past, the Committee had noted serious violations of article 19 of the Covenant, including death threats to journalists apparently issued by the armed forces.

103. Mr. WENNERGREN said that journalists received death threats in many countries, and that formed part of the hazards of their profession. That was not an infringement of freedom of the press from the general point of view. His aim had been to stress that, on the whole, the press was functioning as it was supposed to do according to the Covenant. Despite the coup d'état in Peru, the press was allowed to criticize the Government and to function freely. He believed that was worth stressing as being a positive aspect.

104. Mr. PRADO VALLEJO said it was true that there was freedom of the press at the present time in Peru. The threats to journalists did not come from the

Government itself. He felt that it would be appropriate to acknowledge as much in paragraph 4. A phrase could be added at the end of the last sentence: "and guarantees for the freedom of the press".

105. Mr. EL SHAFEI thought it might be more appropriate to refer to the relaxation of restrictions on the press as one of the features regarded as important by the Committee.

106. Mr. AGUILAR URBINA said that he preferred Mr. Prado Vallejo's suggestion. The Committee had examined violations of freedom of the press under the regime of President García. Currently, despite the state of emergency, press freedom was guaranteed. He suggested that the phrase "and his desire to guarantee freedom of the press" should be inserted at the end of the last sentence.

107. Mr. DIMITRIJEVIC said that the more he listened to the arguments, the more he believed no change should be made in paragraph 4. The Committee's comments should reflect what it had actually heard in New York. It had been told of threats to journalists that could be linked to government forces and to limitations on the freedom of the press. In the circumstances, it was difficult to speak of relaxation. The Committee was in danger of saying more than it wished and he believed that it would be better not to address the question.

108. The CHAIRMAN said that there was nothing reflecting a relaxation of restrictions in the summary records of the New York session. He took it, therefore, that the Committee would prefer to adopt the paragraph as it stood.

109. It was so decided.

Paragraph 5

110. Paragraph 5 was adopted.

Paragraph 6

111. Mr. MULLERSON said that the word "it" in the first line should be replaced by "the Committee".

112. The CHAIRMAN said he took it that the Committee wished to adopt paragraph 6, as amended.

113. It was so decided.

Paragraph 7

114. Paragraph 7 was adopted.

Paragraph 8

115. Mr. EL SHAFEI said that, during the consideration of the report of Peru, there had been specific references to acts of violence and the activities of

insurgent groups. The summary records showed that all members of the Committee had expressed their condemnation of the acts of violence committed by these groups and the absence of any consideration for basic human rights. One member of the Committee had gone so far as to call them acts of genocide. He wondered whether the comments should not echo the views that had been expressed in the Committee.

116. Mr. PRADO VALLEJO confirmed that, during the examination of the report, some of the acts committed by Shining Path had been condemned as genocide. He proposed that the phrase "which may be regarded as genocide" should be inserted after "activities perpetrated by insurgent groups" and that the phrase "which does not have any consideration for the most basic human rights" should be replaced by "which affects basic human rights". In the reference to the great number of extrajudicial executions, the words "complaints of" should be inserted after "number of".

117. Mr. WENNERGREN felt the Committee should stress that what troubled it was the loss of life caused by the great number of extrajudicial executions.

118. Mr. MULLERSON said, in response to Mr. Prado Vallejo's proposal, that he hesitated to refer to genocide, for several reasons. In particular, he felt that, given the definition of genocide in the Convention on the Prevention and Punishment of the Crime of Genocide, the atrocities committed by the insurgent groups could not be qualified as such. In the second sentence of the paragraph, the "insurgent groups" and "terrorist groups" referred to were one and the same. It might be preferable to refer to them by name in order to make that clear. In the fifth sentence of the paragraph, the word "legal" should be replaced by "civilian". It had emerged from the discussion at the previous session that there was legal control over the military and paramilitary groups, in the form of military tribunals, but that what was lacking was civilian control over the military.

119. Miss CHANET agreed that the word "genocide" was not appropriate in the context, and that it was important to stress the absence of civilian control over the military. In the first sentence of the French text, it would be preferable to use the phrase "vie quotidienne" rather than "vie de tous les jours".

120. Mr. ANDO said that he thought the phrase "fundamentally troubled" in the fourth sentence, could be replaced by a more felicitous expression.

121. Mr. AGUILAR URBINA said that the word "fundamentally" should be deleted. Moreover, the second sentence should end with the words "which has no consideration for the most basic human rights".

122. Mr. PRADO VALLEJO, noting that the fourth sentence of the English text used the word "attributable", expressed the view that the Spanish version of the sentence was incorrect. He agreed with the importance of stressing civilian control over the military.

123. Mr. DIMITRIJEVIC said that he, too, would prefer to avoid the word "genocide". He did not consider that the insurgent groups could be said to be targeting a particular group of the population. The problem of the two

subjects in the second sentence could be solved by using the phrases "atrocities by insurgent groups" and "the scale of violence engaged in by them". In the last sentence, the Committee should be very cautious about introducing the dubious concept of State terrorism. He felt that the paragraph should refer to combating terrorism with "arbitrary and excessive State violence".

124. Mrs. HIGGINS endorsed Mr. Dimitrijevic's proposal and the change proposed by Mr. Aguilar Urbina. She also agreed that "fundamentally" should be deleted. Mr. Prado Vallejo's point could be met, as he suggested, by referring to the great number of complaints of extrajudicial executions and disappearances, or by changing the phrase "attributable to" to "attributed to" or perhaps "caused by".

125. The CHAIRMAN said that, if there were no further comments, he would take it that the Committee wished to adopt paragraph 8, as amended.

126. It was so decided.

Paragraph 9

127. Mr. EL SHAFEI said that the word "all" in the second sentence should be deleted.

128. Miss CHANET said that the number given for the Decree-Law in the French text was incorrect: it should be 25418. She also objected to the wording "a de fait aboli la Constitution" as a translation of the phrase "has effectively suppressed large parts of the Constitution". The French text should read "a suspendu certaines parties de la Constitution".

129. Mr. AGUILAR URBINA said that the reference to the dissolution of all other branches of government was correct. The judiciary and the legislature had both been dissolved by the coup d'état.

130. Mr. WENNERGREN said that he too had doubts about using the word "all" in the second sentence. He suggested it should be replaced by "most".

131. The CHAIRMAN suggested that the phrase "all other branches of government" should be replaced by "all other constitutional powers". If there were no further comments, he would take it that the Committee wished to adopt paragraph 9, as amended.

132. It was so decided.

Paragraph 10

133. Mr. MULLERSON noted that the word "acts" in the penultimate line should read "articles".

134. Mr. WENNERGREN said the Committee had been informed about the suspension of some of the articles of the Covenant or the Constitution. Perhaps the word "exhaustively" should be added before "informed".

135. Mrs. HIGGINS said that the important point was that the Committee had not been informed about all the articles concerned.

136. The CHAIRMAN said that he would take it that the Committee wished to adopt paragraph 10 as it stood, subject to the correction made by Mr. Müllerson.

137. It was so decided.

Paragraph 11

138. Mr. EL SHAFEI thought that the paragraph should note that the detention of opposition leaders had been temporary. As it stood, the paragraph implied that they were still being detained.

139. Mr. AGUILAR URBINA said that at least one such person was known to be still under detention.

140. Mr. MULLERSON endorsed Mr. El Shafei's suggestion. It was apparent from the information given to the Committee that, in most cases, the detention had taken place on 5 April and had been temporary.

141. Mr. PRADO VALLEJO noted that the Committee had been informed that former President García was free to return to Peru at any time. He endorsed the proposal to insert "temporary".

142. The CHAIRMAN said he took it that the Committee wished to adopt paragraph 11, as amended.

143. It was so decided.

Paragraph 12

144. Mr. WENNERGREN said that, as it stood, the paragraph implied that children were being subjected to pre-trial detention. The children were in fact simply accompanying their mothers, and the phrase "women and children" should be amended to "women with their children".

145. The CHAIRMAN took it that the Committee wished to adopt paragraph 12, as amended.

146. It was so decided.

Paragraph 13

147. Mr. ANDO (Rapporteur) said that the numbers of the communications should be corrected to 202 (1986) and 203 (1986).

148. The CHAIRMAN took it that the Committee wished to adopt paragraph 13, subject to that correction.

149. It was so decided.

Paragraph 14

150. Mr. PRADO VALLEJO thought that the penultimate sentence, which spoke of the hope that the current interlude would be as brief as possible, should refer instead to the Committee's hope that "democracy will be restored as soon as possible".

151. Miss CHANET said that, in the French text of the last sentence, the phrase "looks forward to" should be rendered by "attend".

152. Mr. MULLERSON suggested that the word "any" should be deleted from the sentence starting "In the event that emergency circumstances warrant any derogation ...".

153. Mr. WENNERGREN suggested that the words "being prepared" in the last sentence should be replaced by "scheduled".

154. The CHAIRMAN took it that the Committee wished to adopt paragraph 14, as amended.

155. It was so decided.

156. The draft comments as a whole, as amended, were adopted.

The meeting rose at 6.10 p.m.